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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 2418  
Koichi ISHIGURO et al. : Docket No. 98\_0997A  
Serial No. 09/142,613 : Group Art Unit 1647  
Filed April 19, 1999 : Examiner Sharon L. Turner

ANTI-PHOSPHORYLATED TAU PROTEIN  
ANTIBODIES AND METHODS FOR DETECTING  
ALZHEIMER'S DISEASE WITH THE USE OF THE SAME

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RESPONSE

Assistant Commissioner for Patents,  
Washington, D.C.

Sir:

This is responsive to the Official Action dated February 6, 2003.

The Official Action constitutes a requirement for restriction and an election of species.

Applicants elect the invention of Group III, claims 7, 9 and 24, with traverse.

As the species, Applicants elect the species a) of SEQ ID NO: 2.

The Official Action states that a search and examination of multiple patentably distinct antibodies of Invention I and II places an undue burden on the Examiner and the office's resources.

However, a search and examination of the antibodies has already been conducted by the Examiner. A search and examination of the antibodies of Inventions I and II is evident from the prosecution history of this application filed on April 19, 1999.

A restriction requirement at this point of prosecution is also contrary to the policy of compact prosecution, and furthermore imposes an undue burden and expense on the Applicant to prosecute multiple divisional applications.

In view of the totality of considerations, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

Applicants do acknowledge with thanks the Examiner's indication that claims 7, 9 and 24 link Inventions I and III, and that examination of Invention I will proceed upon an allowance of Invention III.

Applicants also acknowledge with thanks the Examiner's indication that the non-elected species will be entitled to consideration upon an allowance of the generic claim.

Favorable action on the merits is solicited.

Respectfully submitted,

Koichi ISHIGURO et al.

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